

**MATTHEW PECK AND JEFFREY
MOTLUCK,**

Plaintiffs,

V.

**DAVID RANDOLPH SMITH &
ASSOCIATES, et al.,**

Defendants.

NO. 3:20-cv-00634

JUDGE CAMPBELL
MAGISTRATE JUDGE FRENSELY

ORDER


Pending before the Court is a Report and Recommendation from the Magistrate Judge (Doc. No. 15) recommending this action be dismissed under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute and that the Defendants' pending Motion to Dismiss (Doc. No. 12) be found moot.

Defendants filed a Motion to Dismiss on November 5, 2020, seeking dismissal of the Complaint for insufficient services of process and failure to state a claim upon which relief can be granted. (Doc. No. 12). Plaintiffs did not respond to the Motion to Dismiss; nor did they respond to the December 15, 2020 Show Cause Order (Doc. No. 14). The Magistrate Judge determined that the case should be dismissed for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure and recommended dismissal without prejudice as the appropriate sanction.

The Report and Recommendation advised the parties that any objections to the Magistrate Judge's findings were to be filed within fourteen days of service (Doc. No. 15 at 7). No objections have been filed.

The Court has reviewed the Report and Recommendation (Doc. No. 15) and concludes that it should be **ADOPTED** and **APPROVED**. Accordingly, this action is **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute; Defendants' Motion to Dismiss (Doc. No. 12) is **MOOT**.

It is so **ORDERED**.



WILLIAM L. CAMPBELL, JR.
UNITED STATES DISTRICT JUDGE